

CROW INDIAN TRIBE



Resources Report

T
R
I
B
A
L

G
O
V
E
R
N
M
E
N
T

TRIBAL GOVERNMENT

Introduction

The United States Government as defined by the United States Constitution has governmental relationships with international, tribal, and state entities. The tribal nations have a government-to-government relationship with the United States. The Crow Tribe signed treaties with the U.S. Government in 1825, 1851, and 1868, defining its relationship with the United States, establishing its boundaries, and recognizing the Tribe's rights as a sovereign government.

The Crow Indian Reservation was established by the Treaty of 1851. The tribal government, as a sovereign entity, maintains jurisdiction within the external boundaries of the reservation over all lands rights-of-way, waterways, watercourses and streams, as allowed or limited by Supreme Court case law.

Federal Recognition

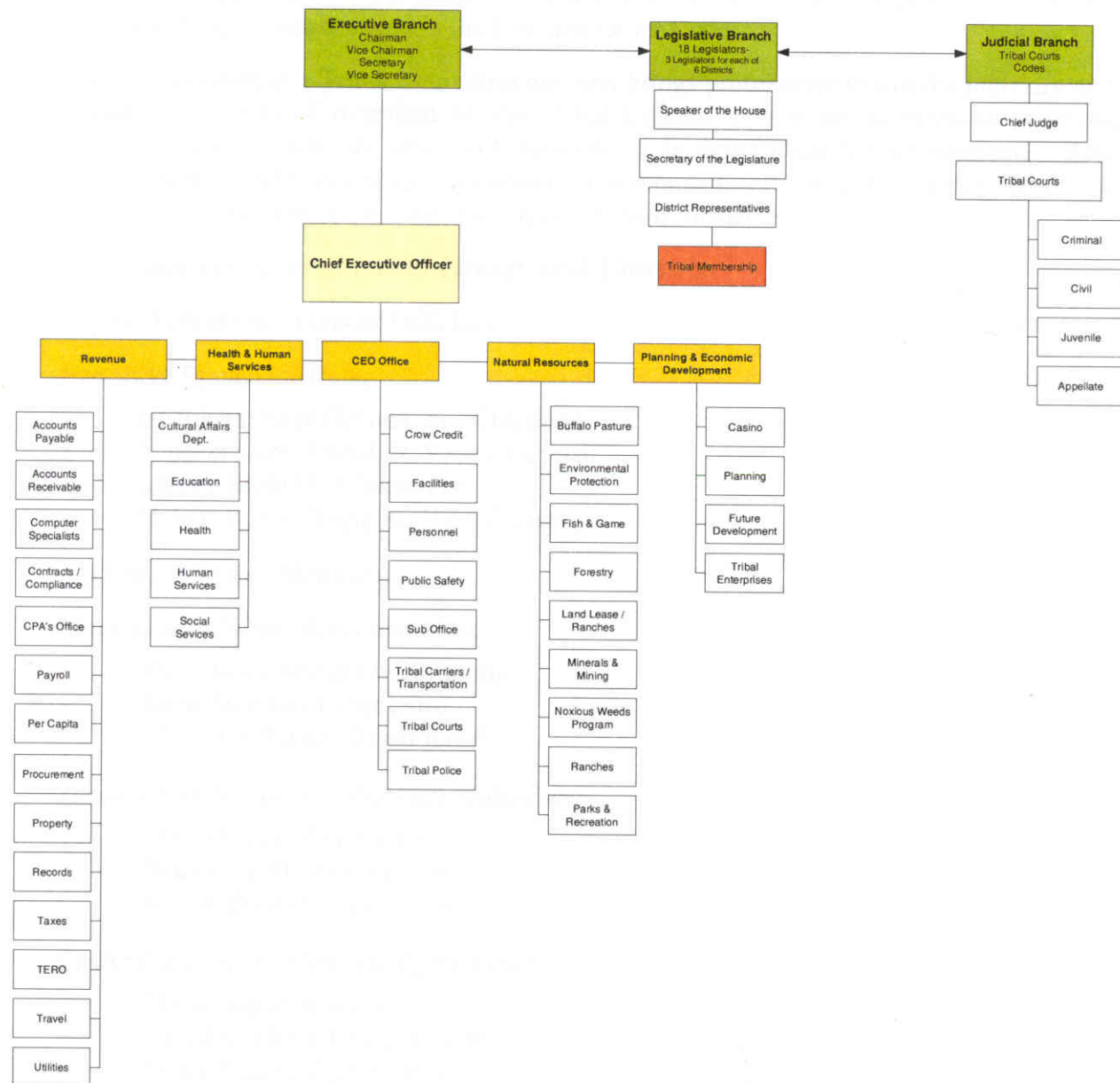
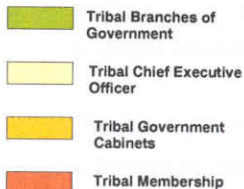
The United States first recognized the Crow Tribe by Treaty in 1825 (ratified August 4, 1825. 7 Stat. 266, proclaimed Feb. 6, 1826). That recognition has continued to this day as evidenced by a notice appearing in the Federal Register on November 20 1998 (63 Fed. Reg. 64524).

Effects of Constitutional Changes on the Crow Tribal Government

The Crow Tribe of Indians repealed its 1948 Constitution and By-Laws in July 2001, replacing it with a Constitution designed to provide a stable and professional tribal government and provide due process and equal protection rights to the tribal membership. The Crow Constitution and By-Laws of 2001 establish three branches of government, the Executive, Legislative, and Judicial branches, for the governance of the Crow Tribe. The new Constitution provides for a separation of powers to allow for a balance of power between branches and an independent Tribal Court. The powers of the Executive and Legislative branches are expressly enumerated in an attempt to provide orderly governance. Further, the terms of office for members of the Executive and Legislative branches have been lengthened to four years from the previous two-year terms to achieve consistency in leadership. The Removal provisions for elected members of the Executive and Legislative branches have been revised to require cause and a higher voting quorum to further achieve stability and consistency of leadership. *Figure 3* provides an organizational chart of the Crow Tribal Government.

The Crow Constitution, in Article X, provides for a separate and distinct Judicial Branch of Government that shall be specifically governed by the Crow Tribal Law and Order Code. The Crow Tribal Court, prior to the passage of the new Constitution, existed as an entity under the authority of the Crow Tribal Council. Without a separation of powers doctrine, the Tribal Council had final order authority over the Crow Tribal Court. The Tribal Council had the authority to review Tribal Court actions, which created a concern of political interference with the disposition of legal disputes. Although numerous rulings from the Crow Tribal Court recognizing the sovereignty of the Crow Tribe have been upheld by the federal court system, the opportunity for political interference with the Court caused a lack of confidence that the Court was a fair and just forum for dispute resolution, particularly for non-Indian parties.

Figure 3
CROW TRIBE
GOVERNMENT ORGANIZATION CHART



Further, a lack of confidence in the Crow Tribal Court among potential litigants did not facilitate a business-friendly environment.

After recent revisions to the Crow Law and Order Code, passed by the Legislative Branch and approved by the Executive Branch, the Tribal Judges must possess either a juris doctorate degree or must have 5 years experience in a judicial system after passage of the Crow Tribal Bar Exam. After selection of a qualified candidate for a judgeship by the Executive, the Legislature will confirm the appointment after hearing to a life term. However, the judge may be removed for causes that are expressly stated in the Law and Order Code.

The development of a Tribal Court structure that brings professionalism to the judiciary and that stands independent of oversight by the Tribal Council will create an effective legal dispute resolution forum that, in turn, will facilitate a business-friendly environment. Such an environment should encourage economic development, effective law enforcement, and a heightened protection of the individual rights of tribal members.

Substantial Governmental Duties and Powers

Sitting Tribal Government Officials

Executive Branch Officers:

Clifford Bird In Ground, Sr., Chairman
Vincent Goes Ahead, Jr. Vice-Chairman
Larney Little Owl, Secretary
Hubert B. Two Leggins, Vice-Secretary

Legislative Branch Members:

Black Lodge District Representatives:

Clem Goes Ahead (4 year term)
Jared Stewart (4 year term)
Mike Not Afraid (2 year term)

Arrow Creek (Pryor) District Representatives:

Oliver Costa (4 year term)
Ben cloud III (4 year term)
Joseph Bulltail (2 year term)

Center Lodge (Reno) District Representatives:

Lloyd Hogan Jr. (4 year term)
Daniel C. Old Elk (4 year term)
Victor Passes (2 year term)

Mighty Few (Wyola) District Representatives:

Pius Real Bird (4 year term)
Jonathan D. Stone (4 year term)
Keith Black Hawk (2 year term)

Valley of the Giveaways (Big Horn) District Representatives:

Vincent Crooked Arm (4 year term)
Willy Plainfeather (4 year term)
Robert Little Light (2 year term)

Valley of the Chiefs (Lodge Grass) District Representatives:

Tyrone Scott Medicine Horse (4 year term)
Eloise Pease (4 year term)
Angela Russell (2 year term)

Figure 4 depicts the legislative districts within the Crow Tribal government.

Judicial Branch

Currently (April 2002), the Chief Judge, Associate Judge and Chief Appellate Judge positions are vacant. The positions have been advertised and a selection will occur in the immediate future. Until the positions are filled, the Tribe has contracted with an attorney to serve as interim judge.

Authority of the Executive Branch

Under the 2001 Constitution, the Enumerated Powers of the Tribe's Executive Branch are expressly stated in Article IV, Section 3, which, among other powers, authorizes the Executive Branch to do the following:

- Administer funds within the control of the Tribe and make expenditures from available funds for tribal purposes... Art IV~ § 3(d);
- Enforce all laws, ordinances, resolutions, regulations or guidelines passed by the Legislative Branch providing for the levying of taxes and licensing of members and non-members for various purposes... Art. IV, § 3(g);
- Protect and preserve the property, wildlife, and natural resources including air and water of the Tribe in accordance with ordinances adopted by the Legislative Branch... Art. 1V, § 3 (i).

Authority of the Legislative Branch

Under the 2001 Constitution, the Powers and Duties of the Tribe's Legislative Branch are expressly stated in Article V. Section 2, which, among other powers, authorizes the Legislative Branch to do the following:

- Promulgate and adopt laws, resolutions, ordinances, codes, regulations, and guidelines in accordance with the 2001 Constitution and federal laws for the governance of the Crow Tribe of Indians... Art V. § 2(a);
- Adopt legislation, not inconsistent with the 2001 Constitution, which is necessary in exercising the duties conferred upon the three branches of government... Art. V. § 2(b).

Authority of the Judicial Branch

Under the 2001 Constitution, the Judicial Branch consists of all courts established by the Crow Law and Order Code.

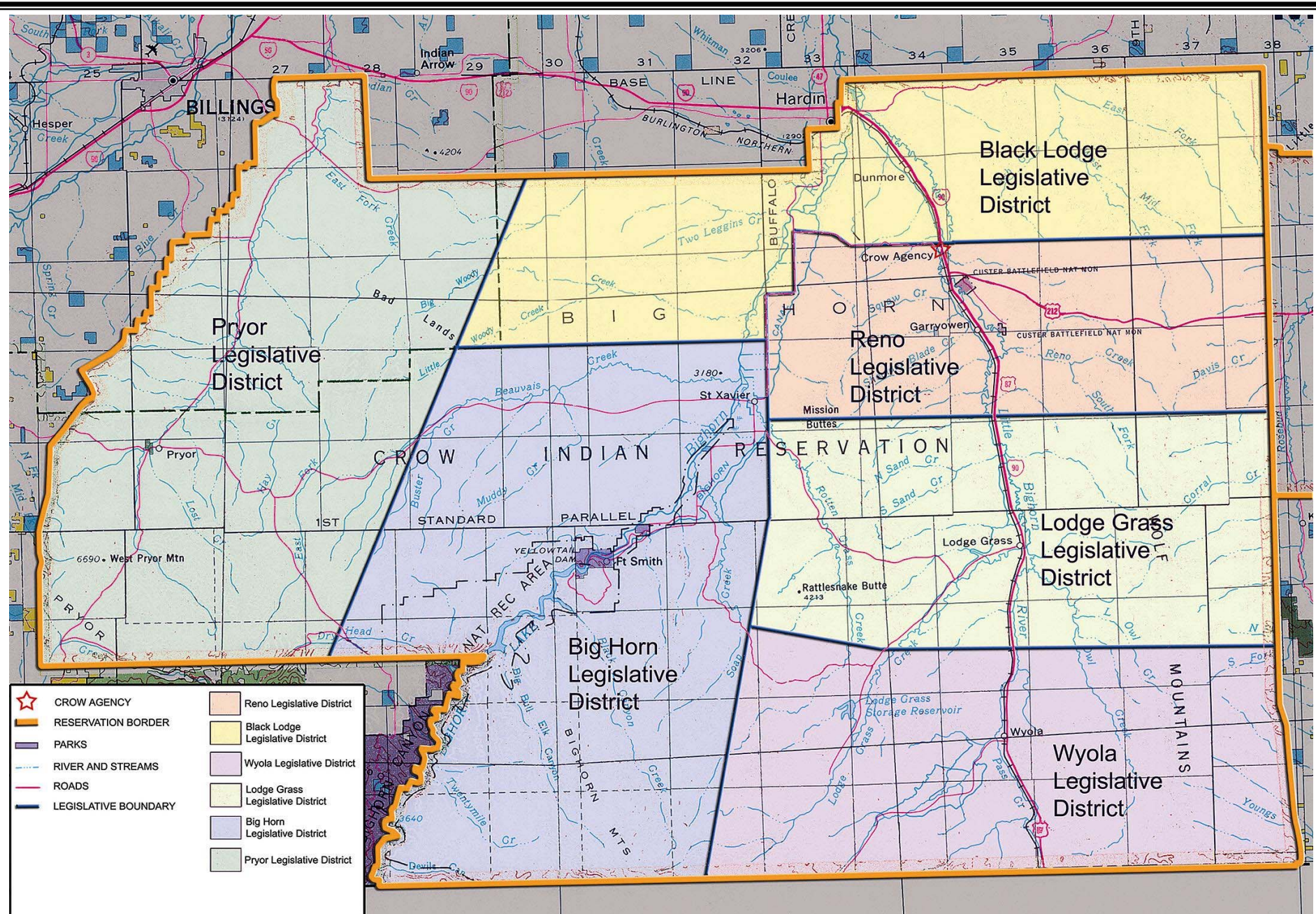


Figure 4
Tribal Legislative Districts



Title 3 of the Crow Tribal Law and Order Code, recently revised, establishes the various courts of the Crow Tribe and sets requirements for judgeships, clerks and the prosecutor. Currently the Crow Tribal Court is funded in part by a Public Law 638 Contract that requires compliance with Code of Federal Regulations provisions. Contract compliance insures that CFR standards are met.

Fiscal Resources

The Crow Tribal Government is financed by Tribal Priority Allocation Funds for tribal administration granted by the federal government, interest income from a judgment fund, coal severance taxes, and numerous leases, rights-of-way and other encumbrances of tribal lands. The trust assets of the Tribe are jointly managed with the Department of Interior, Bureau of Indian Affairs and must be managed in accordance with federal regulations. All funds derived from tribal trust assets are managed by the Department of Interior, Office of Trust Funds Management.